

### **REMARKS**

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested. Claims 1-4, 6, 7, 12, 13 and 18 are amended without prejudice or disclaimer. Claims 5, 11 and 17 have been cancelled without prejudice or disclaimer.

#### **Rejection of Claims 1-6 Under 35 U.S.C. §101**

The Office Action rejects claims 1-6 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicant has amended claims 1-4 and 6 to recite a “computer-implemented” method. Therefore, Applicant submits that these claims comply with 35 U.S.C. §101.

#### **Rejection of Claims 1-18 Under 35 U.S.C. §112**

The Office Action rejects claims 1-18 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicant respectfully traverses the first part of this rejection and notes that the Examiner states that it is not clearly understood what is meant by “performing data pre-staging based on a co-allocation in time reservation.” The Office Action adds the language “i.e., predicting a scheduling time for the job to execute.” Applicants note that one of skill in the art would understand what is meant by this step inasmuch as for a job to execute, there are circumstances, as are discussed in the specification, in which data must be accessed or retrieved from a hard drive or other data storage mechanism. This may need to occur prior to the job actually executing. The performing step simply involves performing “data pre-staging” based on the co-allocation in time reservation and prior to the processing of the job in the compute environment. One of skill in the art would understand that this involves retrieving or “staging” the data prior to the computational execution of a job. Therefore, Applicants submit

that when the specification is reviewed and this explanation is understood, that this step is clearly articulated.

Applicants also note that the second part of this rejection asserts that essentially steps are omitted. It asserts that claims 1, 7 and 13 recite the determining availability of computer resources to process the submitted job, determining data requirements for processing the job and determining a co-allocation in time reservation and performing data pre-staging based on the co-allocation in time reservation fail to link the steps of determining the availability of the compute resources to process the submitted job, determining data requirements for processing the job and the pre-staging data.

Applicant has made a minor amendment to claims 1, 7 and 13 to recite that determining the co-allocation in time reservation occurs by requesting resources for a first step in the job process based on the determined availability and/or the determined data requirements. Once the system determines the availability of compute resources and determines the data requirements for processing the job, then the requests can be made and the process for determining the co-allocation in time reservation can occur. Then, the last step of performing the data pre-staging based on the co-allocation in time reservation and prior to processing the job in the compute environment is therefore linked to both the determining data requirements and the determining availability of compute resources to process the submitted job. Accordingly, Applicant submits that this requirement under 35 U.S.C. §112 has been met.

**Rejection of Claims 1-4, 7-10 and 13-16 Under 35 U.S.C. §103(a)**

The Office Action rejects claims 1-4, 7-10 and 13-16 under 35 U.S.C. §103(a) as being unpatentable over Le (The Data-Aware Resource Broker – A Resource Management Scheme For Data Intensive Applications) (“Le”). Applicant has amended the independent claims according

to the indicated allowable subject matter thus rendering this rejection moot. Applicant notes that each amendment is made without prejudice or disclaimer.

**Allowable Subject Matter**

The Office Action states that claims 5-6, 11-12 and 17-18 would be allowable if rewritten to overcome the rejections(s) under 35 U.S.C. §112, 2<sup>nd</sup> paragraph, and 35 U.S.C. §101 set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims. Applicant has amended claims 1, 7 and 13 and respectfully submit that as they have been indicated are in condition for allowance.

### CONCLUSION

Having addressed all rejections and objections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Novak, Druce & Quigg, LLP, Account No. 14-1437** for any deficiency or overpayment.

Respectfully submitted,

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